

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

PERLEY WINKLER, JR.,)
)
Petitioner,)
)
v.) Nos: 3:08-cr-014
) 3:10-cv-210
UNITED STATES OF AMERICA,) (VARLAN/GUYTON)
)
)
Respondent.)

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the motion to amend the § 2255 motion is **GRANTED**, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED**, and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this Court hereby **DENIES** the petitioner leave to proceed in forma pauperis on appeal.

E N T E R :

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin
CLERK OF COURT